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Writer's Direct Dial: 703-812-5315

Writer's Internet Address: sopp@mwzb.comRe: U.S. Patent Application Serial No. 09/349,713
FORMULATIONS HAVING AN ANTIVIRAL ACTION
Any Docket No. MERCK-1900

Total No. of Pages: 4; if you do not receive all pages, please call (703) 243-6333

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 27 2004

In re Application of:

Herwig BUCHHOLZ et al.

Confirmation No.: 7039

Serial No.: 09/349,713

Examiner: Shahnam J. Sharareh

Filed: July 8, 1999

Group Art Unit: 1617

Title: FORMULATIONS HAVING AN ANTIVIRAL ACTION

RE-SUBMISSION OF RCE REQUEST APPARENTLY LOST AT PTO**Mail Stop RCE**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

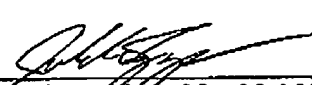
Sir:

Following a telephone discussion with the Examiner, Mr. Sharareh, on January 22, 2004, it was learned that applicants' RCE request filed on August 6, 2003, has not been received by the Examiner or placed in the record. However, the Request, with check for attendant fee, was filed by applicants and was received by the PTO mailroom, as indicated by the return receipt postcard submitted with the filing and stamped as received by the OIPE of the PTO on August 6, 2003. A copy thereof is attached. The Request asks for entry of the unentered Amendment After Final Rejection filed July 1, 2003, to continue prosecution.

Applicants request that the apparently lost paper be entered on the record, accorded its actual filing date of August 6, 2003, and acted on appropriately.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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Attorney for Applicants

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Attorney Docket No.: MERCK-1900Date: January 23, 2004

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CERTIFICATION OF FACSIMILE TRANSMISSION

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PTO/SB/30 (08-00)

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/349,713
Filing Date	July 8, 1999
Examiner Name	Shannam J. Sharareh
First Named Inventor	Herwig BUCHHOLZ et al
Group Art Unit	1617
Attorney Docket Number	MERCK-1900

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (a) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on July 1, 2003
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. **Enclosed**

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____

i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)


ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 750.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	John A. Sopp	Registration No. (Attorney/Agent)	33,103
Signature		Date	August 6, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231

Serial No.: 09/349,713 Docket No.: MERCK-1900
 Filed: July 8, 1999 Applicant(s): BUCHHOLZ et al.

**THE U.S. PATENT AND TRADEMARK OFFICE STAMP HEREON
 ACKNOWLEDGES RECEIPT OF THE FOLLOWING PAPERS:**

☐ FILED BY CERTIFICATE OF MAILING ON:

☒ FEES \$ 750.00 Check No. 28757
☐ MISSING PARTS RESPONSE W/DECL O I P E
☐ AMENDMENT/REPLY
☐ REPLY AFTER FINAL REJECTION
☐ NOTICE OF APPEAL
☐ APPEAL BRIEF (TRIPPLICATE)
☐ ASSIGNMENT
☐ EXTENSION OF TIME
☐ PRIORITY DOCUMENT(S)
☐ VERIFIED STATEMENT(S) UNDER 37 C.F.R. 1.9 & 1.27
☒ REQUEST FOR CONTINUED EXAMINATION (RCE)

☐ STATEMENT OF USE
☐ ISSUE FEE
☐ DECLARATION UNDER
☐ INFORMATION DISCLOSURE STATEMENT
☐ PTO 1449 W/ REFS.
☐ SHEETS OF DRAWINGS
☐ COPY OF MISSING PARTS
☐ RENEWAL APPLICATION
☐ LETTER TO DRAFTSMAN
☐ STATUS INQUIRY
☐ APPLICATION DATA SHEET

OTHER: _____

Initials: JAS/slm

Date Filed: August 6, 2003

Dkt'd 8/6/03-HH